



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GARDELLA *et al.*

Appl. No.: 10/542,704

§ 371 Date: April 14, 2006

For: **Conformationally Constrained
Parathyroid Hormone (PTH)
Analog With Lactam Bridges**

Confirmation No.: 5389

Art Unit: 1654

Examiner: Lukton, David

Atty. Docket: 0609.5140000/TJS/PAC/JJY

Reply to Restriction Requirement and Species Election

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated August 10, 2007, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of **Group I**, represented by claim 1. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve the right to pursue the non-elected claims in one or more divisional applications.

This election is made **with traverse**.

At pages 2-3 of the Office Action, the Examiner alleges that Inventions III and {I, II} are distinct combination and subcombination, because the combination as claimed does not require the particulars of the subcombination as claimed (e.g. carrier or other ingredients). Applicants respectfully traverse.

"Where a combination *as claimed* **>requires< the details of *>a< subcombination *as separately claimed*, there is >usually< no evidence that combination